

Thomas M. James - AOC# 98106
Full name(s)

ASP Kingman (4-C-51) P.O. Box 6639
Street address or postal box number

Kingman, AZ 86402
City, State and zip code

Phone Number

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
10 APR -5 PM 4:45
LAURA A. BRIGGS
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

Second Amended, 42 USC § 1983
Civil Action No. 1:09-CV-1204-WTL-TAB
(To be supplied by the Court)

THOMAS M. JAMES, AOC# 98106 Plaintiff(s)
Full name(s) (Do not use *et al.*)

^v
1). GEO Group, Inc., and all others acting
in Concert, (ABC-xyz, Corp.);

2). Superintendent, Jeffery Whigles,
at (N.C.C.F.), (ABC-xyz, Corp.);

3). CMS-Medical Dpt. at (N.C.C.F.)
(ABC-xyz, Corp.);

Defendant(s).
(Enter above the full name of ALL defendants in this
action. Do not use "et al".)

CIVIL RIGHTS COMPLAINT

Continued to pg. (1-A);

(1)

- 4) Doctor Eli Lorenzo, who works for CMS medical at -
(n.e.c.f.), (ABC-xyz, corp.);
- 5) Mr. LeFlore (First name unknown), Movement officer at
(n.e.c.f.) (ABC-xyz, corp.);
- 6) Wishard Hospital in the State of Indiana, (ABC-xyz, corp.);
- 7) Doctor Nicolas P. Villanustre, M.D. at Wishard -
Hospital, (ABC-xyz, corp.).

All Black and white Entities A-Z.

Each named defendant including corporate entities
are sued in their official and individual capacities.

I. PARTIES

1. Plaintiff's Information:

Name and Prisoner Number of Plaintiff: Thomas M. JAMES, ADC # 98106

Present Place of Confinement or Mailing Address: Arizona State Prison,
Kingman Complex, Building-4-C-51, P.O. Box 66639, Kingman, AZ 86402.

2. Defendant's Information: (NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.)

Name of Defendant 1: Geo Group, Inc. Correctional Contractor

Title (If applicable): Contractor of: (cms) medical at (n.c.c.f.) with (p.d.o.c.).

Address of Defendant: 1000 Van Nuys Rd., New Castle Indiana -
New Castle Correctional Facility, zip code - 47362.

Name of Defendant 2: Superintendent, Jeffrey Wrigles,

Title (If applicable): Superintendent at (n.c.c.f.)

Address of Defendant: 1000 Van Nuys Rd., New Castle,
Indiana 47362.

Name of Defendant 3: Correctional Medical Services (cms)

Title (If applicable): medical Department contracted at (n.c.c.f.)

Address of Defendant: 1000 Van Nuys Rd., New Castle Indiana -
- 47362.

Name of Defendant 4: Doctor Eli Lorenzo, at (n.c.c.f.).

Title (If applicable): Contracted by (cms) (n.c.c.f.) (Geo Group, Inc).

Address of Defendant: 1000 Van Nuys Rd., New Castle -
- Indiana 47362, (cms) office at (n.c.c.f.).

Name of 5 Defendant: Mr. Leflore (first name unknown). The 5 Defendant is employed as: Movement officer for GEO Group, Inc. at (N.C.C.F.) Indiana, 47362.
 (Position and Title) (Institution)

The 5 Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both).
 Explain how the 5 Defendant was acting under color of law: Failed to provide a duty to move plaintiff to lower level Bunk - lower level - Housing per Dr. orders.

Name of 6 Defendant: Washard Hospital. The 5 Defendant is employed as: is the entire "Hospital" at address unknown at this time.
 (Position and Title) (Institution)

The 5 Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both).
 Explain how the 6 Defendant was acting under color of law: Failed to provide medical treatment, surgery to serious medical injury (corrective surgery). Failed to provide emergency service.

Name of 7 Defendant: Dr. Nicolas P. Villanustre, M.D.. The 7 Defendant is employed as: Doctor (title unknown) at Washard Hospital in Indiana.
 (Position and Title) (Institution)

The 7 Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both).
 Explain how the 7 Defendant was acting under color of law: Dr. is contracted with (D.P.C.) and/or GEO Group, Inc. (CMS) to provide medical treatment. Dr. Villanustre Failed to perform a duty required by law, to treat prisoners with serious medical injuries.

Name of _____ Defendant: _____ at _____.
 (Position and Title) (Institution)

The _____ Defendant is sued in his/her: ☐ individual capacity ☐ official capacity (check one or both).
 Explain how the _____ Defendant was acting under color of law: _____

Name of _____ Defendant: _____ at _____.
 (Position and Title) (Institution)

The _____ Defendant is sued in his/her: ☐ individual capacity ☐ official capacity (check one or both).
 Explain how the _____ Defendant was acting under color of law: _____

Name of _____ Defendant: _____ at _____.
 (Position and Title) (Institution)

The _____ Defendant is sued in his/her: ☐ individual capacity ☐ official capacity (check one or both).
 Explain how the _____ Defendant was acting under color of law: _____

II. JURISDICTION

Jurisdiction is invoked pursuant to 28 U.S.C. § 1331. (If you wish to assert jurisdiction under additional statutes, you may fill in the title and section below.)

42 U.S.C. § 1871; 1997(e).

18 U.S.C. § 1915(d)(e)(1).

III. BASIS FOR CLAIMS

Check any Applicable Item(s):

☒ Complaint Under the Civil Rights Act, 42 U.S.C. § 1983 (state, county, or municipal defendants) Violations based on 1st, 6th, 8th, 14th Amend., U.S. Const.

☐ Complaint under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants) NONE

☒ Other (cite statute, if known) Plaintiff does not assume any citations statutes, concerning civil or criminal laws (state and federal).

IV. CLAIMS

BRIEFLY state the background of your case.

1). First injury was caused by medical Department (CMS) (Bea Group, Inc), Superintendent writes, Dr. Eli Lorenze, deliberate indifference by retaliating against plaintiff for seeking emergency medical care to remove ingrown toenail timely, all mentioned above failed to provide a duty by law for emergency medical treatment, and by failing to do so, timely, caused staph infection and unnecessary suffering was unreasonable infringement of plaintiff's - fundamental right to emergency medical treatment for serious medical need in violation of the 8th Amend., U.S. Const.

continued to pg. (3-A):

2) Second injury occurred because MR. LeFore, movement officer at (N.C.C.F.) for Geo Group, Inc., was deliberately indifferent by failure to provide a duty required by (N.C.C.F.), Geo Group, Policy, State and Federal laws - per: Dr. Lorenzo's medical order from (CMS) at (N.C.C.F.). MR. LeFore, movement officer, refused to comply with Dr. Lorenzo's medical order to move plaintiff to lower-level-lower bunk assignment. This is why this injury occurred. Then, the Defendants, in an attempt to conceal this wrong doing, concealed medical records when plaintiff was relocated back to full control and custody to ASP-system, in Arizona. Geo, Group, Inc.; (CMS) medical at (N.C.C.F.); Dr. Eli Lorenzo; Wishard Hospital; Dr. Villanustre along with Superintendent, Wrigles at (N.C.C.F.) failed to provide a duty required by State and Federal laws, (N.C.C.F.) Policy and are deliberately indifferent for not providing plaintiff emergency medical care (treatment) timely in November and early December of 2007, to plaintiff's serious injury, causing plaintiff suffering, pain, daily migraines, mental anguish, distress, physical and psychological- (pain + suffering), which plaintiff is forced to live with today. Defendants mentioned were unreasonable in their actions and infringed plaintiff's fundamental right to emergency medical care (treatment) and surgery, for serious medical need in violation of the 8th Amend. U.S. Const.

3) Injury to plaintiff caused by State of Indiana enforcing through signed contract, Arizona laws and policy's that violate state and federal laws and state and federal constitutions. This is based on fundamental right to appeal for redress of grievances.

(3-A)

Claim I: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

1). Since March of 2002, I, Thomas M. James, AOC #98106, plaintiff, have been in the control and custody of State of Arizona Department of Corrections, and lived in Arizona with family, prior to being convicted - Since 1980 - to - 2000. Continued on page - 4-A:

Claim II: 1). On 11/27/2007, while in the Control and Custody of GEO Group - Inc., of (G.C.C.F.), IN, contracted (Interstate compact) to house Arizona inmates plaintiff suffered a serious accidental injury to left side of Skull and Jaw area, by falling down; Continued to pg: 4-D:

Claim III: 1). Denial of right to legal assistance under Amendment I, right to petition the government for redress of grievances clause, and Amendment XIV, due process clause to United States Constitution. Continued to pg: 4-G:

V. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

☒ Yes ☐ No.

If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "V. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

- a. Parties to previous lawsuit:

Plaintiff(s): Thomas M James, AOC #98106

Defendant(s): GEO-Group, Inc., (A.D.O.C.) in concert with 27 defendants.

- b. Name and location of court and docket number District Court of Arizona, Tucson, Filed - NO. CV-08-580 -TUC- JmR.

2) In March of 2007, the State of Arizona and the State of Indiana entered into a contract, signed by Dr. Dora Schirra, Director of Arizona Department of Corrections, and by J. David - Donahue, Commissioner of Indiana Department of Corrections.

3) In April of 2007, plaintiff was relocated and placed by (A.D.O.C.) and GEO Group, Inc., to New Castle Correctional Facility, (N.C.C.F.), in New Castle, Indiana.

4) Plaintiff was relocated by (A.D.O.C.) and GEO Group, Inc., against his will, without written consent by plaintiff, to serve Arizona prison time, at Indiana prison under the Control and Custody of GEO Group, Inc, and Arizona (D.O.C.).

5) Plaintiff was forced to be relocated by (A.D.O.C.) and GEO Group, Inc. at gun point.

6) On 10/23/07, plaintiff put in First Hand R medical form requesting medical care about bleeding, ~~bleeding~~ ingrown toenail, to (CMS) medical, addressed to Doctor, at (N.C.C.F.) under the Control of GEO Group, Inc..

7) The case record will reflect retaliation to plaintiff by GEO Group, Inc., (CMS) medical Department, Dr. Eli - Lorenzo, for seeking emergency medical care for serious medical condition causing unnecessary delay for emergency medical care (treatment) to plaintiff's needs timely.

8) Because of delay by all said mentioned above, to plaintiff serious medical needs, to remove ingrown - toenail, timely, plaintiff had suffered over 21 days of unnecessary serious physical and psychological -
Continued to (4-B). (4-A)

-mental anguish and distress, waiting to have toe-nail removed, to include swollen, and bleeding toenail, pounding daily pain, that was caused by lack of proper timely medical treatment. All mentioned above caused staph-infection to left toe nail.

9) Since plaintiff submitted his first H and R medical form to (CMS) Medical at (N.C.C.F.) on 10/23/07, plaintiff had also submitted many other H and R medical forms to (CMS) on the issue of ingrown toenail and was ignored any relief or proper pain management.

10) Plaintiff, upon being ignored by (CMS) medical and refused emergency medical care to remove toenail promptly, plaintiff filed grievance with MR. Holder at (N.C.C.F.) about removing toenail and follow-up care, and lower-level, lower bunk assignment.

11) After staph infection set-in on toenail, Doctor Eli Lorenzo at (CMS) medical, (N.C.C.F.) complex prescribed Penicillin, and Acetaminophen for pain and infection, which plaintiff did not receive.

12) On information and belief, Dr. Eli Lorenzo, had put in an order for GEO Group, Inc., (N.C.C.F.) Staff, movement officer, MR. LeFlone, to move plaintiff from upper level housing to lower level housing and lower bunk assignment. This did not happen.

13) On 11/20/2007, an outside physician came to (N.C.C.F.) (CMS) medical Department and performed surgery to remove part of the toenail (only), which the toe-nail was still infected.

Continued to (pg. 4-C).

(4-B)

- 14) (Cms) medical Department failed to follow doctor's orders and provide plaintiff with 125-in medication delivery and/or prescribed medication them self.
- 15) GEO Group, Inc., failed to follow doctor's orders and provide plaintiff with 125-in trays at his housing unit.
- 16) MR. Leflone, GEO Group, Inc., (n.c.c.f.) movement officer failed to follow doctor's order to move plaintiff to lower-level - lower bunk assignment, such failure has caused the plaintiff to fall down steps, while he was "hopping" up the steps, after going to a midnight - hop - to "Pill-Call", while on a narcotic, prescribed by outside doctor after surgery, on 11/27/07, returning back to his upper-level - housing assignment bunk.
- 17) Dr. Eli Lorenzo, is responsible for medical care with (Cms) - medical Department at (n.c.c.f.) and ~~was~~ is deliberately indifferent for failing to arrange specialist emergency care, timely, from outside physician.
- 18) Superintendent, Wrigles, for GEO Group, Inc., at (n.c.c.f.) is responsible for arranging for specialized medical care outside the prison, and he in this case failed to do so timely.
- 19) MR. Leflone, GEO Group, Inc. at (n.c.c.f.) is responsible for all Movement (between 10/23/2007 and 4/24/2008), 'at the time of plaintiff's injuries', inside the (n.c.c.f.) prison. MR. Leflone failed to perform a duty provided by (n.c.c.f.) GEO Group - policy and state and federal law, ignoring doctor's medical needs order prescribed to plaintiff,
- continue to pg - 4-D: (4-C)

20) Defendants, mentioned herein are deliberately indifferent for failing to perform a duty that was required to perform and 'these-failures' were unreasonable infringement of plaintiff's fundamental right to his proscribed orders, emergency medical care for a serious medical need in violation of the 8th Amend. to the U.S. Constitution.

Continued from pg. #4:

Claim II:

- steps in housing unit while coming back from, ie: a midnight- hop - to "Pill-Call", while on the prescribed narcotic for pain, returning to upper-level- housing, assigned bunk on (11/27/2007).

2). on November 27th 2007, plaintiff put in first Hand R medical form requesting medical care about swollen and 'hurt' left side of skull, to (CMS) medical at (n.c.c.f.) addressed to Doctor, under the control of Geo-Group, Inc..

3) Plaintiff has kept a record of Hand R Forms about this claim and has put in other Hand R forms for medical care concerning this issue and those medical requests were ignored by (CMS) medical and Doctor Eli Lorenzo at (n.c.c.f.) under the control of GEO Group, Inc..

4) Because of said delay by (CMS), Dr. Lorenzo, to perform emergency medical care, and/or by bringing the plaintiff to hospital for treatment of serious injury, the plaintiff has suffered serious physical and -

Continued to pg. 4-E: (4-D)

- psychological mental anguish and distress, waiting to receive emergency medical care for serious injury, to also include swelling and pounding daily migraines when and after eating.

5). On 12/27/2007, Dr. Lorenzo, answered to a 12/27/07 H and R medical form filed by plaintiff for medical care of serious medical injury. (CMS) and Dr. Lorenzo delayed treatment for serious medical care (treatment) for plaintiff for about 30 days.

6). Pursuant to Dr. Lorenzo's order, GEO Group, Inc., staff at (N.C.C.F.) brought plaintiff to Wishard hospital for an examination of CT Maxillofacial, that were obtained on 1/2/08.

7). Hospital findings are: "A comminuted fracture of the left mandibular subcondylar with anterior dislocation and displacement of the condyle". This dislocation, displacement of condyle (bone) is still the same today, and can cause T.M.J., Lock-Jaw in the near future if not corrected. This gets worse every day.

8). Defendants, Wishard hospital and Dr. Villanustre, at Wishard hospital, refused to repair plaintiff's serious injury, and claimed GEO, Group, Inc, (NCCF) and/or (A.D.O.C.) would not pay for the surgery. Wishard hospital also refused to pay for the emergency surgery.

Continued to pg. 4-F.

9) GEO-Group, Inc., failed to provide emergency medical care, delaying treatment for serious medical injury and then refusing to provide funds, per: contract for Arizona inmates at (n.c.c.f.) for emergency medical surgery.

10) (CMS) medical Department failed to provide emergency medical care, delaying treatment for serious medical injury and refusing to provide funds, per: contract for Arizona inmates at (n.c.c.f.) for emergency medical - surgery.

11) Dr. Eli Lorenzo, is responsible for medical care with (CMS)-medical Department for GEO Group, Inc. at (n.c.c.f.) and is deliberately indifferent for failing to arrange specialist care, for emergency medical serious injury, timely, from Wishard hospital, out side physician.

12) Superintendent, Jeffery Wrigles, for GEO Group, Inc., at (n.c.c.f.) is responsible for arranging for specialized medical care outside the (n.c.c.f.) prison, and in this case he failed to do so timely.

13) MR. Leflore, for GEO Group, Inc. at (n.c.c.f.) is responsible for Movement at (n.c.c.f.) "between 10/23/07 to 4/24/08. "at the time of plaintiff's injuries", inside the (n.c.c.f.) prison. MR. Leflore failed to perform a duty provided by (CMS), Dr. Eli Lorenzo, to move plaintiff to lower-level - lower bunk, assignment, and simply put, if the plaintiff was moved to a lower-level lower bunk assignment, this injury would have never happened.

14) All Defendants mentioned herein are deliberately indifferent for failing to perform a duty, required to perform and "these failures to perform" were unreasonable infringement of plaintiff's fundamental right to his proscribed emergency medical needs for serious injury in violation of the 8th Amend. to the U.S. Constitution.

Continued From pg. #4:

Claim III:

2) Pursuant to a Jury trial, held in Arizona State Superior Court, CR-2000-3697, Pima County, plaintiff was found guilty of Second-degree Murder and sentenced to 12 yrs to the Department of Corrections (A.D.O.C.), without an attorney at Sentencing on March 18th, 2001.

3) After Filing Motion before Sentencing for adequate counsel to represent plaintiff's sentencing issues, the Court denied plaintiff counsel at sentencing.

4) The State of Arizona Court, Pima County appointed the Public Defenders to review plaintiff's case/file pursuant to Direct Appeal, to file brief on behalf of plaintiff's fundamental constitutional violations in his case.

5) Public Defender failed to adequately review and failed to gain undisclosed exculpatory evidence in case record, to raise appropriate arguments, requirement by law in briefing on all constitutional (claims) in violations that occurred in plaintiff's direct appeal brief.

Continued to pg. 4-H: (4-G)

- 6) Plaintiff was forced to filing pro-se petition for Post-conviction relief based on Claims of Ineffective assistance of Trial Counsel and appellate counsel.
- 7) Plaintiff had to seek help from other inmates to be able to provide Superior Court in Arizona valid Claims that are colorable in Rule 32 P.C.R. petition and Supplements thereto, to have hearing on Constitutional Issues, held on 1/9/06.
- 8) Plaintiff is unversed in the law and basically illiterate thereof, and having minimal exposure to the Courts - system, wanted to file a 'Second Rule 32 petition' to exhaust all claims before raising issues in habeas Corpus petition pursuant to 28 USC § 2254(d), to challenge his state conviction fully and sentence in the above named matter which is plaintiff's fundamental right to appeal, since appellate counsel (s) failed to raise all Constitutional issues appropriately in direct appeal brief. The Claims are now under ineffective assistance of counsel.
- 9) On April, 5th, 2007, plaintiff was illegally transported from Arizona State Prison, (A.D.O.C.) to Indiana State (I.C.C.F.) a non-compact state, to serve Arizona sentence, housed at (I.C.C.F.) by GEO-Group, Inc. in New Castle Indiana.
- 10) On April, 24th, 2007, a riot occurred at (I.C.C.F.) complex and plaintiff was not involved in riot and was locked down in housing unit without legal law library access or mail access to Arizona Courts, after riot and had to rely on inmate, not versed in law, at (I.C.C.F.) - library, on how to properly prepare plaintiff's amended habeas Corpus petition, do to GEO-Group, Inc., staff -

continued to pg. 4-I: (4-H)

"Kept most of plaintiff's legal paper work in storage", after riot occurred, or was destroyed by officers after riot.

11) Plaintiff submits, Habeas Corpus petition was filed in place of Second Rule 32 petition due to move by (A.O.O.C.) to (n.c.c.f.).

12) Plaintiff further submits, inmate Clerk at (n.c.c.f.) library had incorrectly prepared plaintiff's habeas Corpus, Amended petition, while plaintiff was on leg-in and suffering pain and Swelling (staph Infection) on left great-toe, from failure by defendants mentioned in Claim I, to remove ingrown toenail timely.

13) Plaintiff moved District Court of Arizona in Tucson to Amend petition for habeas Corpus after GTO-Group, Inc. lifted lock down, after riot, month's later.

14) Plaintiff moved District Court in Arizona, after being returned to A.S.P. - Santa Rita Unit, to Amend habeas petition to correct mistakes, and was denied.

15) GTO-Group, Inc., at (n.c.c.f.) also kept disclosed - "New evidence" information given to plaintiff in an Affidavit form, by Loren Quackenbush, paralegal, - in (n.c.c.f.) storage, away from plaintiff, denying him access to important documents, to be presented as evidence, timely under Rule 32.1 (e), Ariz. R. Crim. P., for Second P.C.R. petition.

16) Plaintiff, when he could gain access to library - after, GTO Group, Inc., lifted lock down, would hop to library, to see if Indiana law library had received 'Arizona law books' which the (n.c.c.f.) library did -
continued to pg. 4-J: (4-I)

-not receive yet, only some law books, in part, starting in late November of 2007, to April of 2008.

17) Upon plaintiff's subsequent imprisonment, he learned for the first time that the state of Arizona had removed law libraries and law books containing court decisions and self help books on post conviction relief, civil litigation §1983, information from its prison system about, - November 27th, 1997, and that state law put into effect sometime in 2004 regarding the unauthorized practice of law prohibited or banned paralegals from giving anyone (Inmates in Arizona) legal advice and from assisting anyone (Inmates in Arizona) with the preparation of their legal documents to be filed in the Courts unless admitted to practice by the state bar, and prohibits inmates in Arizona from assisting each other. These applications of law applied to plaintiff, and enforced by interstate Compact - contract, by state of Indiana, while plaintiff was housed at (N.C.C.F.), controlled by GEO Group, Inc. in New Castle Indiana.

18) Plaintiff unversed in the law and basically illiterate of the law with minimal exposure to the Courts system, and without legal assistance in the State of Indiana, where State of Indiana failed to provide plaintiff Arizona law books, and person trained in law to do needed research on plaintiff's criminal and civil claims involves fundamental constitutional rights and/or those failures by -
Continued to pg. 4-K: (4-J)

- the State of Indiana to provide plaintiff legal assistance from one trained in law to legally advise plaintiff and assist him in the preparation of his legal documents to be filed timely in the Courts, while at (N.C.C.F.), between 4/5/07 to 4/14/08, and during these proceedings (Second Rule 32 P.C.R.) and imposing prohibition against inmates from assisting each other with their legal matters, preparation of (P.C.R.), and "Arizona Case laws" "Federal Supplements" to Arizona cases, to prepare habeas Corpus petition, stemming from an Arizona State (P.C.R.) petition that was filed with Pima County Superior Court in Arizona about fundamental Constitutional violated rights, due process issues, and the requests for appointed Counsel refused.

19). Plaintiff has the same fundamental rights, privileges, and immunities in the State of Indiana and in the State of Arizona to petition the government for redress of grievance's (access to the Courts) and the right to legal assistance from one trained in law.

20). The State of Indiana's failure to provide plaintiff with legal assistance from one trained in law at (N.C.C.F.) to assist with preparation of: (1) Second Rule 32 (P.C.R.) petition under 32.1 (e) "newly discovered evidence", and (2) with the proper tools to prepare habeas Corpus petition (Amended) in Federal District Court, and (3) To redress grievance's, and/or (4) Follow-up with Civil Complaint under Tort Action, (Under Indiana State law) or Information for 42 USC § 1983 claims.
continued to pg. 4-L: (4-K)

Each action mentioned above involves fundamental Constitutional rights under the law.

21). Injuries: The State of Indiana's Failure to provide plaintiff with legal assistance with one trained in law to assist with preparation of his post conviction relief, and civil rights action (s) to: (1) Appeal, a fundamental right, and (2) Equal rights to pursue post conviction relief - a fundamental right, and (3) Self-representation, a fundamental right, and (4) Access to the Courts, a fundamental right, and (5) legal assistance, a fundamental right, and (6) To pursue violations of civil rights, a fundamental right, resulted in the injuries listed below:

a). Dismissal of First (Appeal) and (P.C.R.) petition under Cr-2000-3697; and

b). Dismissal of Second and Third (P.C.R.) petitions under Cr-2000-3697, pursuant to Rule 32.1 (e) newly discovered evidence, and

c). Denial of right to petition the government for a redress grievance's (refused to process Indian and Arizona grievance's while plaintiff was located at (I.C.C.F.)), and

d). Retaliation for seeking medical care and grievance procedures, and

e). Retaliation for keeping legal documents to appeal case timely, and

f). Caused unnecessary delay in bring this action under 42 USC §1983, Civil Rights Complaint by a State Prisoner, and
continued to pg. 4-M: (4-L)

- g). Mental Anguish and Distress; and
- h). Psychological pain and Suffering.

- c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed? Is it still pending?) NO - Dismissed without prejudice - Rule 41(a)(2).
- d. Issues raised: Concealing Medical File (mistreatment of serious injuries).
- e. Approximate date of filing lawsuit: 10/27/08
- f. Approximate date of disposition: 11/6/08. See order filed with (Doc #1) in this case.
2. I have previously exhausted available administrative remedies regarding the events or acts complained of in Part II of this complaint. ✓ Yes No

If your answer is "Yes", briefly describe how relief was sought and the result:

Submitted grievance's with GED Group, Inc. at (n.c.c.f.) about (cms) and Defendants at Claim I and Claim II, herein. The Submitted grievance's at (n.c.c.f.) Indiana were filed to both Indiana and Arizona (n.c.c.f.) administrations, also to Department of Insurance, compensation Fund in Indiana and at Risk - management Department in Arizona. Grievances took about 2 years to be final. Grievances in this case were either ignored or denied.

VI. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28. U.S.C. §1915, please list each civil action or appeal you have brought in any court of the United States while you were incarcerated or detained in any facility, that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "VI. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."
- a. Parties to previous lawsuit: None!
- Plaintiff(s): _____
- Defendant(s): _____
- b. Name and location of court and docket number: _____
- c. Grounds for dismissal:
- () frivolous () malicious () failure to state a claim upon which relief may be granted
- d. Approximate date of filing lawsuit: _____
- e. Approximate date of disposition: _____

VII. REQUEST FOR RELIEF

I request the following relief:

1). Award plaintiff special Damages against each defendant, an amount to be determined upon a Jury trial, but not less than, the amount of: \$3,000,000.⁰⁰; and (2). Award plaintiff compensatory damage against each defendant in a sum to be determined upon a jury trial, but not less than: \$10,000,000.⁰⁰. continued to pg. 6-A.

Original signature of attorney (if any)

Thomas M. James
Plaintiff's Original Signature

Date: March 31st, 2010

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is **true and accurate**.

Executed at Mohave County on March 31st, 2010.
(location) (date)

Thomas M. James
Plaintiff's Original Signature

Plaintiff demands a trial by jury. ☒ Yes ☐ No

- 3) Award plaintiff punitive damages against each defendant in a sum to be determined upon a Jury trial, but not less than: \$5,000,000.00.
- 4) For / any / and / all legal costs, Fee's, Filing fee's, legal copies and legal postage, and
- 5) For such other and / any further relief as the Court deems just, and
- 6) Injunctive Relief: Corrective Surgery, and
 - a) Implant studs for snap in dentures and / or for permanent dentures to stabilize Jaw line and Bite,
 - b) Needed physical therapy (as follow up care), and
 - c) Pain management for remainder of plaintiff's time in custody and control of (A.D.O.C.) prison, and
 - d) Medical Specialist care and / any / all other special care related to before surgery and after surgery to repair injury, and
 - e) Injury occurring, stemming from any surgery performed by Specialist in this matter to include plaintiff's death by performing surgery to repair broken Jaw bones, and
 - f) Or / any other "Unknown" injury (s) not reported by wishard hospital specialist or Arizona (D.O.C.) Specialist that is underlying injury by delay of proper emergency medical care, treatment (and mistreatment) to serious disconnected Jaw bone (s), Jaw joint fracture, fractured Skull, Nerve damage, relating to any unreported bone breaks or fractures by Doctors or Specialists in Indiana or Arizona as is cited herein is immediately granted.

(6-A)